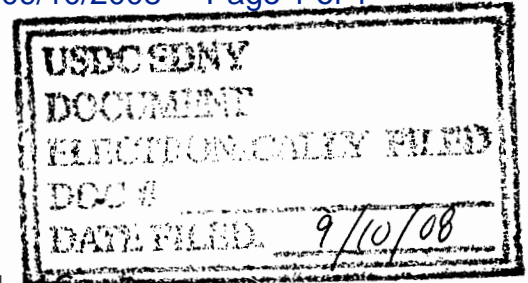


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MEMO ENDORSED

September 9, 2008

Via Facsimile (212) 805-6712
Chambers of Hon. Kevin N. Fox
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Thomas Burke v. City of New York et al
07 CV 6510 (VM)

Your Honor:

I am the attorney for the plaintiff Thomas Burke in this action. I write to respectfully request a thirty (30) day enlargement of fact discovery from September 15, 2008 to October 15, 2008.

This joint application is occasioned by the fact that counsel for the defendants, Barry Myrvold, Esq. is currently on trial in the Southern District. Mr. Myrvold anticipates being engaged for approximately two weeks.

Accordingly, we respectfully request an enlargement of fact discovery through October 15, 2008.

9/19/08
Application denied. The parties have known since June 2008, that discovery would close on September 15, 2008, and should have planned accordingly. On or before October 15, 2008, the parties shall submit to the Court their joint proposal order. SO ORDERED: Kevin Nathaniel Fox, U.S.M.J.
Cc: Barry Myrvold, Esq.

Respectfully submitted,

Scott G. Cerbin